

**DEPARTMENT OF COMMERCE LICENSE RELATED  
AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to occupational and professional licensing by the Department of Commerce.

**Highlighted Provisions:**

This bill:

- ▶ modifies definitions;
- ▶ adds to the information certain applicants are required to provide to obtain a construction trade license;
- ▶ modifies ownership status reporting requirements;
- ▶ addresses audits of the ownership status reports;
- ▶ adds to information certain unincorporated entities are required to provide regarding owners;
- ▶ modifies powers of the division if an owner fails to demonstrate financial responsibility;
- ▶ modifies what constitutes unprofessional conduct;
- ▶ clarifies language regarding the Department of Commerce receiving driver license and identification card information; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **58-55-102**, as last amended by Laws of Utah 2011, Chapters 14 and 413

34 **58-55-302**, as last amended by Laws of Utah 2011, Chapter 413

35 **58-55-306**, as last amended by Laws of Utah 2011, Chapter 413

36 **58-55-502**, as last amended by Laws of Utah 2011, Chapters 170 and 413

37 **63G-12-402**, as last amended by Laws of Utah 2011, Chapter 413 and renumbered and  
38 amended by Laws of Utah 2011, Chapter 18



39  
40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **58-55-102** is amended to read:

42 **58-55-102. Definitions.**

43 In addition to the definitions in Section 58-1-102, as used in this chapter:

44 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,  
45 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system,  
46 except as provided in Subsection (1)(b).

47 (b) "Alarm business or company" does not include:

48 (i) a person engaged in the manufacture and sale of alarm systems when that person is  
49 not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or  
50 monitoring of alarm systems, and the manufacture or sale occurs only at a place of business  
51 established by the person engaged in the manufacture or sale and does not involve site visits at  
52 the place or intended place of installation of an alarm system; or

53 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who  
54 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring  
55 of the alarm system owned by that owner.

56 (2) "Alarm company agent" means any individual employed within this state by a  
57 person engaged in the alarm business.

58 (3) "Alarm system" means equipment and devices assembled for the purpose of:

59 (a) detecting and signaling unauthorized intrusion or entry into or onto certain  
60 premises; or

61 (b) signaling a robbery or attempted robbery on protected premises.

62 (4) "Apprentice electrician" means a person licensed under this chapter as an  
63 apprentice electrician who is learning the electrical trade under the immediate supervision of a  
64 master electrician, residential master electrician, a journeyman electrician, or a residential  
65 journeyman electrician.

66 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice  
67 plumber who is learning the plumbing trade under the immediate supervision of a master  
68 plumber, residential master plumber, journeyman plumber, or a residential journeyman  
69 plumber.

70 (6) "Approved continuing education" means instruction provided through courses  
71 under a program established under Subsection 58-55-302.5(2).

72 (7) "Board" means the Electrician Licensing Board, Alarm System Security and  
73 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

74 (8) "Combustion system" means an assembly consisting of:

75 (a) piping and components with a means for conveying, either continuously or  
76 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the  
77 appliance;

78 (b) the electric control and combustion air supply and venting systems, including air  
79 ducts; and

80 (c) components intended to achieve control of quantity, flow, and pressure.

81 (9) "Commission" means the Construction Services Commission created under Section  
82 58-55-103.

83 (10) "Construction trade" means any trade or occupation involving:

84 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition  
85 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation  
86 or other project, development, or improvement to other than personal property; and

87 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as  
88 defined in Section 15A-1-302; or

89 (b) installation or repair of a residential or commercial natural gas appliance or

90 combustion system.

91 (11) "Construction trades instructor" means a person licensed under this chapter to  
92 teach one or more construction trades in both a classroom and project environment, where a  
93 project is intended for sale to or use by the public and is completed under the direction of the  
94 instructor, who has no economic interest in the project.

95 (12) (a) "Contractor" means any person who for compensation other than wages as an  
96 employee undertakes any work in the construction, plumbing, or electrical trade for which  
97 licensure is required under this chapter and includes:

98 (i) a person who builds any structure on the person's own property for the purpose of  
99 sale or who builds any structure intended for public use on the person's own property;

100 (ii) any person who represents that the person is a contractor by advertising or any  
101 other means;

102 (iii) any person engaged as a maintenance person, other than an employee, who  
103 regularly engages in activities set forth under the definition of "construction trade";

104 (iv) any person engaged in any construction trade for which licensure is required under  
105 this chapter; or

106 (v) a construction manager who performs management and counseling services on a  
107 construction project for a fee.

108 (b) "Contractor" does not include an alarm company or alarm company agent.

109 (13) (a) "Electrical trade" means the performance of any electrical work involved in the  
110 installation, construction, alteration, change, repair, removal, or maintenance of facilities,  
111 buildings, or appendages or appurtenances.

112 (b) "Electrical trade" does not include:

113 (i) transporting or handling electrical materials;

114 (ii) preparing clearance for raceways for wiring; or

115 (iii) work commonly done by unskilled labor on any installations under the exclusive  
116 control of electrical utilities.

117 (c) For purposes of Subsection (13)(b):

118 (i) no more than one unlicensed person may be so employed unless more than five  
119 licensed electricians are employed by the shop; and

120 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio

121 permitted by this Subsection (13)(c).

122 (14) "Elevator" has the same meaning as defined in Section 34A-7-202, except that for  
123 purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline  
124 platform lift.

125 (15) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under  
126 this chapter that is engaged in the business of erecting, constructing, installing, altering,  
127 servicing, repairing, or maintaining an elevator.

128 (16) "Elevator mechanic" means an individual who is licensed under this chapter as an  
129 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,  
130 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

131 (17) "Employee" means an individual as defined by the division by rule giving  
132 consideration to the definition adopted by the Internal Revenue Service and the Department of  
133 Workforce Services.

134 (18) "Engage in a construction trade" means to:

135 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged  
136 in a construction trade; or

137 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person  
138 to believe one is or will act as a contractor.

139 (19) (a) "Financial responsibility" means a demonstration of a current and expected  
140 future condition of financial solvency evidencing a reasonable expectation to the division and  
141 the board that an applicant or licensee can successfully engage in business as a contractor  
142 without jeopardy to the public health, safety, and welfare.

143 (b) Financial responsibility may be determined by an evaluation of the total history  
144 concerning the licensee or applicant:

145 (i) including past, present, and expected condition and record of financial solvency and  
146 business conduct[-]; and

147 (ii) including history of the owners of the licensee or applicant and prior entities in  
148 which the owners have been involved.

149 (20) "Gas appliance" means any device that uses natural gas to produce light, heat,  
150 power, steam, hot water, refrigeration, or air conditioning.

151 (21) (a) "General building contractor" means a person licensed under this chapter as a

152 general building contractor qualified by education, training, experience, and knowledge to  
153 perform or superintend construction of structures for the support, shelter, and enclosure of  
154 persons, animals, chattels, or movable property of any kind or any of the components of that  
155 construction except plumbing, electrical work, mechanical work, and manufactured housing  
156 installation, for which the general building contractor shall employ the services of a contractor  
157 licensed in the particular specialty, except that a general building contractor engaged in the  
158 construction of single-family and multifamily residences up to four units may perform the  
159 mechanical work and hire a licensed plumber or electrician as an employee.

160 (b) The division may by rule exclude general building contractors from engaging in the  
161 performance of other construction specialties in which there is represented a substantial risk to  
162 the public health, safety, and welfare, and for which a license is required unless that general  
163 building contractor holds a valid license in that specialty classification.

164 (22) (a) "General engineering contractor" means a person licensed under this chapter as  
165 a general engineering contractor qualified by education, training, experience, and knowledge to  
166 perform construction of fixed works in any of the following: irrigation, drainage, water, power,  
167 water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports  
168 and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring  
169 specialized engineering knowledge and skill, piers, and foundations, or any of the components  
170 of those works.

171 (b) A general engineering contractor may not perform construction of structures built  
172 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

173 (23) "Immediate supervision" means reasonable direction, oversight, inspection, and  
174 evaluation of the work of a person:

175 (a) as the division specifies in rule;

176 (b) by, as applicable, a qualified electrician or plumber;

177 (c) as part of a planned program of training; and

178 (d) to ensure that the end result complies with applicable standards.

179 (24) "Individual" means a natural person.

180 (25) "Journeyman electrician" means a person licensed under this chapter as a  
181 journeyman electrician having the qualifications, training, experience, and knowledge to wire,  
182 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

183 (26) "Journeyman plumber" means a person licensed under this chapter as a  
184 journeyman plumber having the qualifications, training, experience, and technical knowledge  
185 to engage in the plumbing trade.

186 (27) "Master electrician" means a person licensed under this chapter as a master  
187 electrician having the qualifications, training, experience, and knowledge to properly plan,  
188 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment  
189 for light, heat, power, and other purposes.

190 (28) "Master plumber" means a person licensed under this chapter as a master plumber  
191 having the qualifications, training, experience, and knowledge to properly plan and layout  
192 projects and supervise persons in the plumbing trade.

193 (29) "Person" means a natural person, sole proprietorship, joint venture, corporation,  
194 limited liability company, association, or organization of any type.

195 (30) (a) "Plumbing trade" means the performance of any mechanical work pertaining to  
196 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within  
197 three feet beyond the outside walls of buildings of pipes, fixtures, and fittings for:

- 198 (i) delivery of the water supply;  
199 (ii) discharge of liquid and water carried waste; or  
200 (iii) the building drainage system within the walls of the building.

201 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,  
202 fixtures and fixture traps, soil, waste and vent pipes, and the building drain and roof drains  
203 together with their devices, appurtenances, and connections where installed within the outside  
204 walls of the building.

205 (31) (a) "Ratio of apprentices" means, for the purpose of determining compliance with  
206 the requirements for planned programs of training and electrician apprentice licensing  
207 applications, the shop ratio of apprentice electricians to journeyman or master electricians shall  
208 be one journeyman or master electrician to one apprentice on industrial and commercial work,  
209 and one journeyman or master electrician to three apprentices on residential work.

210 (b) On-the-job training shall be under circumstances in which the ratio of apprentices  
211 to supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to  
212 three apprentices to one supervisor on residential projects.

213 (32) "Residential and small commercial contractor" means a person licensed under this

214 chapter as a residential and small commercial contractor qualified by education, training,  
215 experience, and knowledge to perform or superintend the construction of single-family  
216 residences, multifamily residences up to four units, and commercial construction of not more  
217 than three stories above ground and not more than 20,000 square feet, or any of the components  
218 of that construction except plumbing, electrical work, mechanical work, and manufactured  
219 housing installation, for which the residential and small commercial contractor shall employ  
220 the services of a contractor licensed in the particular specialty, except that a residential and  
221 small commercial contractor engaged in the construction of single-family and multifamily  
222 residences up to four units may perform the mechanical work and hire a licensed plumber or  
223 electrician as an employee.

224 (33) "Residential building," as it relates to the license classification of residential  
225 journeyman plumber and residential master plumber, means a single or multiple family  
226 dwelling of up to four units.

227 (34) "Residential journeyman electrician" means a person licensed under this chapter  
228 as a residential journeyman electrician having the qualifications, training, experience, and  
229 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,  
230 and other purposes on buildings using primarily nonmetallic sheath cable.

231 (35) "Residential journeyman plumber" means a person licensed under this chapter as a  
232 residential journeyman plumber having the qualifications, training, experience, and knowledge  
233 to engage in the plumbing trade as limited to the plumbing of residential buildings.

234 (36) "Residential master electrician" means a person licensed under this chapter as a  
235 residential master electrician having the qualifications, training, experience, and knowledge to  
236 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus  
237 and equipment for light, heat, power, and other purposes on residential projects.

238 (37) "Residential master plumber" means a person licensed under this chapter as a  
239 residential master plumber having the qualifications, training, experience, and knowledge to  
240 properly plan and layout projects and supervise persons in the plumbing trade as limited to the  
241 plumbing of residential buildings.

242 (38) "Residential project," as it relates to an electrician or electrical contractor, means  
243 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules  
244 and regulations governing this work, including the National Electrical Code, and in which the



245 voltage does not exceed 250 volts line to line and 125 volts to ground.

246 (39) (a) "Specialty contractor" means a person licensed under this chapter under a  
247 specialty contractor classification established by rule, who is qualified by education, training,  
248 experience, and knowledge to perform those construction trades and crafts requiring  
249 specialized skill, the regulation of which are determined by the division to be in the best  
250 interest of the public health, safety, and welfare.

251 (b) A specialty contractor may perform work in crafts or trades other than those in  
252 which the specialty contractor is licensed if they are incidental to the performance of the  
253 specialty contractor's licensed craft or trade.

254 (40) "Unincorporated entity" means an entity that is not:

- 255 (a) an individual;
- 256 (b) a corporation; or
- 257 (c) publicly traded.

258 (41) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

259 (42) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502 and as  
260 may be further defined by rule.

261 (43) "Wages" means amounts due to an employee for labor or services whether the  
262 amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating  
263 the amount.

264 Section 2. Section **58-55-302** is amended to read:

265 **58-55-302. Qualifications for licensure.**

266 (1) Each applicant for a license under this chapter shall:

- 267 (a) submit an application prescribed by the division;
- 268 (b) pay a fee as determined by the department under Section 63J-1-504;
- 269 (c) (i) meet the examination requirements established by rule by the commission with  
270 the concurrence of the director, except for the classifications of apprentice plumber and  
271 apprentice electrician for whom no examination is required; or  
272 (ii) if required in Section 58-55-304, the individual qualifier must pass the required  
273 examination if the applicant is a business entity;
- 274 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;
- 275 (e) if an applicant for a contractor's license:

276 (i) produce satisfactory evidence of financial responsibility, except for a construction  
277 trades instructor for whom evidence of financial responsibility is not required;

278 (ii) produce satisfactory evidence of knowledge and experience in the construction  
279 industry and knowledge of the principles of the conduct of business as a contractor, reasonably  
280 necessary for the protection of the public health, safety, and welfare;

281 (iii) (A) be a licensed master electrician if an applicant for an electrical contractor's  
282 license or a licensed master residential electrician if an applicant for a residential electrical  
283 contractor's license;

284 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or  
285 a licensed master residential plumber if an applicant for a residential plumbing contractor's  
286 license; or

287 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years  
288 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

289 (iv) when the applicant is an unincorporated entity, provide a list of the one or more  
290 individuals who hold an ownership interest in the applicant as of the day on which the  
291 application is filed that includes for each individual:

292 (A) the individual's name, address, ~~[and]~~ birthdate, Social Security number, and any  
293 other information that may be required by rule; and

294 (B) whether the individual will engage in a construction trade; and

295 (f) if an applicant for a construction trades instructor license, satisfy any additional  
296 requirements established by rule.

297 (2) After approval of an applicant for a contractor's license by the applicable board and  
298 the division, the applicant shall file the following with the division before the division issues  
299 the license:

300 (a) proof of workers' compensation insurance which covers employees of the applicant  
301 in accordance with applicable Utah law;

302 (b) proof of public liability insurance in coverage amounts and form established by rule  
303 except for a construction trades instructor for whom public liability insurance is not required;  
304 and

305 (c) proof of registration as required by applicable law with the:

306 (i) Utah Department of Commerce;

- 307 (ii) Division of Corporations and Commercial Code;
- 308 (iii) Unemployment Insurance Division in the Department of Workforce Services, for  
309 purposes of Title 35A, Chapter 4, Employment Security Act;
- 310 (iv) State Tax Commission; and
- 311 (v) Internal Revenue Service.
- 312 (3) In addition to the general requirements for each applicant in Subsection (1),  
313 applicants shall comply with the following requirements to be licensed in the following  
314 classifications:
- 315 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:
- 316 (A) has been a licensed journeyman plumber for at least two years and had two years of  
317 supervisory experience as a licensed journeyman plumber in accordance with division rule;
- 318 (B) has received at least an associate of applied science degree or similar degree  
319 following the completion of a course of study approved by the division and had one year of  
320 supervisory experience as a licensed journeyman plumber in accordance with division rule; or
- 321 (C) meets the qualifications determined by the division in collaboration with the board  
322 to be equivalent to Subsection (3)(a)(i)(A) or (B).
- 323 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at  
324 least four years of practical experience as a licensed apprentice under the supervision of a  
325 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect  
326 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current  
327 master plumber license under this chapter, and satisfies the requirements of this Subsection  
328 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.
- 329 (iii) An individual holding a valid plumbing contractor's license or residential  
330 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,  
331 2008:
- 332 (A) considered to hold a current master plumber license under this chapter if licensed  
333 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this  
334 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section  
335 58-55-303; and
- 336 (B) considered to hold a current residential master plumber license under this chapter if  
337 licensed as a residential plumbing contractor and a residential journeyman plumber, and

338 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of  
339 that license under Section 58-55-303.

340 (b) A master residential plumber applicant shall produce satisfactory evidence that the  
341 applicant:

342 (i) has been a licensed residential journeyman plumber for at least two years and had  
343 two years of supervisory experience as a licensed residential journeyman plumber in  
344 accordance with division rule; or

345 (ii) meets the qualifications determined by the division in collaboration with the board  
346 to be equivalent to Subsection (3)(b)(i).

347 (c) A journeyman plumber applicant shall produce satisfactory evidence of:

348 (i) successful completion of the equivalent of at least four years of full-time training  
349 and instruction as a licensed apprentice plumber under supervision of a licensed master  
350 plumber or journeyman plumber and in accordance with a planned program of training  
351 approved by the division;

352 (ii) at least eight years of full-time experience approved by the division in collaboration  
353 with the Plumbers Licensing Board; or

354 (iii) satisfactory evidence of meeting the qualifications determined by the board to be  
355 equivalent to Subsection (3)(c)(i) or (c)(ii).

356 (d) A residential journeyman plumber shall produce satisfactory evidence of:

357 (i) completion of the equivalent of at least three years of full-time training and  
358 instruction as a licensed apprentice plumber under the supervision of a licensed residential  
359 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in  
360 accordance with a planned program of training approved by the division;

361 (ii) completion of at least six years of full-time experience in a maintenance or repair  
362 trade involving substantial plumbing work; or

363 (iii) meeting the qualifications determined by the board to be equivalent to Subsection  
364 (3)(d)(i) or (d)(ii).

365 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be  
366 in accordance with the following:

367 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be  
368 under the immediate supervision of a licensed master plumber, licensed residential master

369 plumber, licensed journeyman plumber, or a licensed residential journeyman plumber; and

370 (ii) a licensed apprentice plumber in the fourth through tenth year of training may work  
371 without supervision for a period not to exceed eight hours in any 24-hour period, but if the  
372 apprentice does not become a licensed journeyman plumber or licensed residential journeyman  
373 plumber by the end of the tenth year of apprenticeship, this nonsupervision provision no longer  
374 applies.

375 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

376 (i) is a graduate electrical engineer of an accredited college or university approved by  
377 the division and has one year of practical electrical experience as a licensed apprentice  
378 electrician;

379 (ii) is a graduate of an electrical trade school, having received an associate of applied  
380 sciences degree following successful completion of a course of study approved by the division,  
381 and has two years of practical experience as a licensed journeyman electrician;

382 (iii) has four years of practical experience as a journeyman electrician; or

383 (iv) meets the qualifications determined by the board to be equivalent to Subsection  
384 (3)(f)(i), (ii), or (iii).

385 (g) A master residential electrician applicant shall produce satisfactory evidence that  
386 the applicant:

387 (i) has at least two years of practical experience as a residential journeyman electrician;  
388 or

389 (ii) meets the qualifications determined by the board to be equivalent to this practical  
390 experience.

391 (h) A journeyman electrician applicant shall produce satisfactory evidence that the  
392 applicant:

393 (i) has successfully completed at least four years of full-time training and instruction as  
394 a licensed apprentice electrician under the supervision of a master electrician or journeyman  
395 electrician and in accordance with a planned training program approved by the division;

396 (ii) has at least eight years of full-time experience approved by the division in  
397 collaboration with the Electricians Licensing Board; or

398 (iii) meets the qualifications determined by the board to be equivalent to Subsection  
399 (3)(h)(i) or (ii).

400 (i) A residential journeyman electrician applicant shall produce satisfactory evidence  
401 that the applicant:

402 (i) has successfully completed two years of training in an electrical training program  
403 approved by the division;

404 (ii) has four years of practical experience in wiring, installing, and repairing electrical  
405 apparatus and equipment for light, heat, and power under the supervision of a licensed master,  
406 journeyman, residential master, or residential journeyman electrician; or

407 (iii) meets the qualifications determined by the division and applicable board to be  
408 equivalent to Subsection (3)(i)(i) or (ii).

409 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall  
410 be in accordance with the following:

411 (i) A licensed apprentice electrician shall be under the immediate supervision of a  
412 licensed master, journeyman, residential master, or residential journeyman electrician. An  
413 apprentice in the fourth year of training may work without supervision for a period not to  
414 exceed eight hours in any 24-hour period.

415 (ii) A licensed master, journeyman, residential master, or residential journeyman  
416 electrician may have under immediate supervision on a residential project up to three licensed  
417 apprentice electricians.

418 (iii) A licensed master or journeyman electrician may have under immediate  
419 supervision on nonresidential projects only one licensed apprentice electrician.

420 (k) An alarm company applicant shall:

421 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of  
422 the applicant who:

423 (A) demonstrates 6,000 hours of experience in the alarm company business;

424 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm  
425 company business or in a construction business; and

426 (C) passes an examination component established by rule by the commission with the  
427 concurrence of the director;

428 (ii) if a corporation, provide:

429 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards  
430 of all corporate officers, directors, and those responsible management personnel employed

431 within the state or having direct responsibility for managing operations of the applicant within  
432 the state; and

433 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards  
434 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this  
435 shall not be required if the stock is publicly listed and traded;

436 (iii) if a limited liability company, provide:

437 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards  
438 of all company officers, and those responsible management personnel employed within the  
439 state or having direct responsibility for managing operations of the applicant within the state;  
440 and

441 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards  
442 of all individuals owning 5% or more of the equity of the company;

443 (iv) if a partnership, provide the names, addresses, dates of birth, Social Security  
444 numbers, and fingerprint cards of all general partners, and those responsible management  
445 personnel employed within the state or having direct responsibility for managing operations of  
446 the applicant within the state;

447 (v) if a proprietorship, provide the names, addresses, dates of birth, Social Security  
448 numbers, and fingerprint cards of the proprietor, and those responsible management personnel  
449 employed within the state or having direct responsibility for managing operations of the  
450 applicant within the state;

451 (vi) if a trust, provide the names, addresses, dates of birth, Social Security numbers,  
452 and fingerprint cards of the trustee, and those responsible management personnel employed  
453 within the state or having direct responsibility for managing operations of the applicant within  
454 the state;

455 (vii) be of good moral character in that officers, directors, shareholders described in  
456 Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel  
457 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other  
458 crime that when considered with the duties and responsibilities of an alarm company is  
459 considered by the board to indicate that the best interests of the public are served by granting  
460 the applicant a license;

461 (viii) document that none of the applicant's officers, directors, shareholders described

462 in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management  
463 personnel have been declared by any court of competent jurisdiction incompetent by reason of  
464 mental defect or disease and not been restored;

465 (ix) document that none of the applicant's officers, directors, shareholders described in  
466 Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are  
467 currently suffering from habitual drunkenness or from drug addiction or dependence;

468 (x) file and maintain with the division evidence of:

469 (A) comprehensive general liability insurance in form and in amounts to be established  
470 by rule by the commission with the concurrence of the director;

471 (B) workers' compensation insurance that covers employees of the applicant in  
472 accordance with applicable Utah law; and

473 (C) registration as is required by applicable law with the:

474 (I) Division of Corporations and Commercial Code;

475 (II) Unemployment Insurance Division in the Department of Workforce Services, for  
476 purposes of Title 35A, Chapter 4, Employment Security Act;

477 (III) State Tax Commission; and

478 (IV) Internal Revenue Service; and

479 (xi) meet with the division and board.

480 (l) Each applicant for licensure as an alarm company agent shall:

481 (i) submit an application in a form prescribed by the division accompanied by  
482 fingerprint cards;

483 (ii) pay a fee determined by the department under Section 63J-1-504;

484 (iii) be of good moral character in that the applicant has not been convicted of a felony,  
485 a misdemeanor involving moral turpitude, or any other crime that when considered with the  
486 duties and responsibilities of an alarm company agent is considered by the board to indicate  
487 that the best interests of the public are served by granting the applicant a license;

488 (iv) not have been declared by any court of competent jurisdiction incompetent by  
489 reason of mental defect or disease and not been restored;

490 (v) not be currently suffering from habitual drunkenness or from drug addiction or  
491 dependence; and

492 (vi) meet with the division and board if requested by the division or the board.



493 (m) (i) Each applicant for licensure as an elevator mechanic shall:

494 (A) provide documentation of experience and education credits of not less than three  
495 years work experience in the elevator industry, in construction, maintenance, or service and  
496 repair; and

497 (B) satisfactorily complete a written examination administered by the division  
498 established by rule under Section 58-1-203; or

499 (C) provide certificates of completion of an apprenticeship program for elevator  
500 mechanics, having standards substantially equal to those of this chapter and registered with the  
501 United States Department of Labor Bureau Apprenticeship and Training or a state  
502 apprenticeship council.

503 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed  
504 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,  
505 repairing, or maintaining an elevator, the contractor may:

506 (I) notify the division of the unavailability of licensed personnel; and

507 (II) request the division issue a temporary elevator mechanic license to an individual  
508 certified by the contractor as having an acceptable combination of documented experience and  
509 education to perform the work described in this Subsection (3)(m)(ii)(A).

510 (B) (I) The division may issue a temporary elevator mechanic license to an individual  
511 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by  
512 the appropriate fee as determined by the department under Section 63J-1-504.

513 (II) The division shall specify the time period for which the license is valid and may  
514 renew the license for an additional time period upon its determination that a shortage of  
515 licensed elevator mechanics continues to exist.

516 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
517 division may make rules establishing when Federal Bureau of Investigation records shall be  
518 checked for applicants as an alarm company or alarm company agent.

519 (5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vii) and  
520 (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the  
521 Department of Public Safety with the division's request to:

522 (a) conduct a search of records of the Department of Public Safety for criminal history  
523 information relating to each applicant for licensure as an alarm company or alarm company

524 agent and each applicant's officers, directors, shareholders described in Subsection  
525 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

526 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant  
527 requiring a check of records of the Federal Bureau of Investigation for criminal history  
528 information under this section.

529 (6) The Department of Public Safety shall send to the division:

530 (a) a written record of criminal history, or certification of no criminal history record, as  
531 contained in the records of the Department of Public Safety in a timely manner after receipt of  
532 a fingerprint card from the division and a request for review of Department of Public Safety  
533 records; and

534 (b) the results of the Federal Bureau of Investigation review concerning an applicant in  
535 a timely manner after receipt of information from the Federal Bureau of Investigation.

536 (7) (a) The division shall charge each applicant for licensure as an alarm company or  
537 alarm company agent a fee, in accordance with Section 63J-1-504, equal to the cost of  
538 performing the records reviews under this section.

539 (b) The division shall pay the Department of Public Safety the costs of all records  
540 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the  
541 costs of records reviews under this section.

542 (8) Information obtained by the division from the reviews of criminal history records of  
543 the Department of Public Safety and the Federal Bureau of Investigation shall be used or  
544 disseminated by the division only for the purpose of determining if an applicant for licensure as  
545 an alarm company or alarm company agent is qualified for licensure.

546 (9) (a) An application for licensure under this chapter shall be denied if:

547 (i) the applicant has had a previous license, which was issued under this chapter,  
548 suspended or revoked within one year prior to the date of the applicant's application;

549 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

550 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the  
551 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar  
552 status, performing similar functions, or directly or indirectly controlling the applicant has  
553 served in any similar capacity with any person or entity which has had a previous license,  
554 which was issued under this chapter, suspended or revoked within one year prior to the date of

555 the applicant's application; or

556 (iii) (A) the applicant is an individual or sole proprietorship; and

557 (B) any owner or agent acting as a qualifier has served in any capacity listed in

558 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under

559 this chapter, suspended or revoked within one year prior to the date of the applicant's

560 application.

561 (b) An application for licensure under this chapter shall be reviewed by the appropriate  
562 licensing board prior to approval if:

563 (i) the applicant has had a previous license, which was issued under this chapter,  
564 suspended or revoked more than one year prior to the date of the applicant's application;

565 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

566 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the

567 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar

568 status, performing similar functions, or directly or indirectly controlling the applicant has

569 served in any similar capacity with any person or entity which has had a previous license,

570 which was issued under this chapter, suspended or revoked more than one year prior to the date

571 of the applicant's application; or

572 (iii) (A) the applicant is an individual or sole proprietorship; and

573 (B) any owner or agent acting as a qualifier has served in any capacity listed in

574 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under

575 this chapter, suspended or revoked more than one year prior to the date of the applicant's

576 application.

577 (10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status

578 report with the division every 90 days after the day on which the license is issued if the licensee

579 has ~~[as an owner an individual]~~ more than five owners who are individuals who:

580 ~~[(i) owns]~~ (A) own an interest in the contractor that is an unincorporated entity;

581 ~~[(ii) owns]~~ (B) own, directly or indirectly, less than an 8% interest in the

582 unincorporated entity, as defined by rule made by the division in accordance with Title 63G,

583 Chapter 3, Utah Administrative Rulemaking Act; and

584 ~~[(iii) engages]~~ (C) engage, or will engage, in a construction trade in Utah as an owner

585 of the contractor described in Subsection (10)(a)(i)(A).

586 (ii) If the licensee has five or fewer owners described in Subsection (10)(a)(i), the  
587 licensee shall provide the ownership status report with an application for renewal of licensure.

588 (b) An ownership status report required under this Subsection (10) shall:

589 (i) list each addition or deletion of an owner:

590 (A) for the first ownership status report, after the day on which the unincorporated  
591 entity is licensed under this chapter; and

592 (B) for a subsequent ownership status report, after the day on which the previous  
593 ownership status report is filed;

594 (ii) be in a format prescribed by the division that ~~[is consistent with a]~~ includes the  
595 items on the list provided under Subsection ~~[58-55-302]~~(1)(e)(iv); and

596 (iii) be accompanied by a fee set by the division in accordance with Section 63J-1-504  
597 if the ownership status report indicates there is a change described in Subsection (10)(b)(i).

598 (c) The division may, at any time, audit an ownership status report under this  
599 Subsection (10):

600 (i) ~~[in the same manner as the division may audit a demonstration of]~~ to determine if  
601 financial responsibility has been demonstrated or maintained as required under Section  
602 58-55-306; and

603 (ii) to determine compliance with Subsection 58-55-501(24) or (25) or Subsection  
604 58-55-502(8) or (9).

605 (11) (a) An unincorporated entity that provides labor to an entity licensed under this  
606 chapter by providing an individual who owns an interest in the unincorporated entity to engage  
607 in a construction trade in Utah shall file with the division:

608 (i) before the individual who owns an interest in the unincorporated entity engages in a  
609 construction trade in Utah, a current list of the one or more individuals who hold an ownership  
610 interest in the unincorporated entity that includes for each individual:

611 (A) the individual's name, address, ~~[and]~~ birthdate, Social Security number, and any  
612 other information that may be required by rule; and

613 (B) whether the individual will engage in a construction trade; and

614 (ii) every 90 days after the day on which the unincorporated entity provides the list  
615 described in Subsection (11)(a)(i), an ownership status report containing the information that  
616 would be required under Subsection (10) if the unincorporated entity were a licensed

617 contractor.

618 (b) When filing an ownership list described in Subsection (11)(a)(i) or an ownership  
619 status report described in Subsection (11)(a)(ii) an unincorporated entity shall pay a fee set by  
620 the division in accordance with Section 63J-1-504.

621 (12) This chapter may not be interpreted to create or support an express or implied  
622 independent contractor relationship between an unincorporated entity described in Subsection  
623 (10) or (11) and the owners of the unincorporated entity for any purpose, including income tax  
624 withholding.

625 (13) A Social Security number provided under Subsection (1)(e)(iv) is a private record  
626 under Subsection 63G-2-302(1)(h).

627 Section 3. Section **58-55-306** is amended to read:

628 **58-55-306. Financial responsibility.**

629 (1) An applicant for licensure as a contractor, and a licensee applying for renewal or  
630 reinstatement of a contractor's license shall demonstrate to the division and the commission the  
631 applicant's or licensee's financial responsibility before the issuance of or the renewal or  
632 reinstatement of a license by:

633 (a) (i) completing a questionnaire developed by the division; and

634 (ii) signing the questionnaire, certifying that the information provided is true and  
635 accurate; or

636 (b) submitting a bond in an amount and form determined by the commission with the  
637 concurrence of the director.

638 (2) The division may audit an applicant's or licensee's demonstration of financial  
639 responsibility on a random basis or upon finding of a reasonable need.

640 (3) The burden to demonstrate financial responsibility is upon the applicant or licensee.

641 (4) (a) If an applicant for licensure as a contractor or a licensee applying for renewal or  
642 reinstatement of a contractor's license is an unincorporated entity, the division may require each  
643 individual who holds an ownership interest in the applicant or licensee to demonstrate financial  
644 responsibility to the division and the commission.

645 (b) In accordance with Subsection (2), the division may audit an owner's demonstration  
646 of financial responsibility under Subsection (4)(a) at any time including requesting:

647 (i) the applicant or licensee to provide a current list of owners meeting the

648 requirements of Subsection 58-55-302(1)(e)(iv); and

649 (ii) a credit report for each owner.

650 (c) If an owner described in Subsection (4)(a) fails to demonstrate financial  
651 responsibility under this section, the division may:

652 (i) prohibit the licensee or owner from engaging in a construction trade; or

653 (ii) require the owner, applicant, or licensee to submit a bond in an amount and form  
654 determined by the commission with the concurrence of the director.

655 Section 4. Section **58-55-502** is amended to read:

656 **58-55-502. Unprofessional conduct.**

657 Unprofessional conduct includes:

658 (1) failing to establish, maintain, or demonstrate financial responsibility while licensed  
659 as a contractor under this chapter, including failure of any owner of a licensee to pay income  
660 taxes, self-employment taxes, or similar taxes that may be assessed on income received by the  
661 owner from the licensee;

662 (2) disregarding or violating through gross negligence or a pattern of negligence:

663 (a) the building or construction laws of this state or any political subdivision;

664 (b) the safety and labor laws applicable to a project;

665 (c) any provision of the health laws applicable to a project;

666 (d) the workers' compensation insurance laws of this state applicable to a project;

667 (e) the laws governing withholdings for employee state and federal income taxes,  
668 unemployment taxes, Social Security payroll taxes, or other required withholdings; or

669 (f) any reporting, notification, and filing laws of this state or the federal government;

670 (3) any willful, fraudulent, or deceitful act by a licensee, caused by a licensee, or at a  
671 licensee's direction which causes material injury to another;

672 (4) contract violations that pose a threat or potential threat to the public health, safety,  
673 and welfare including:

674 (a) willful, deliberate, or grossly negligent departure from or disregard for plans or  
675 specifications, or abandonment or failure to complete a project without the consent of the  
676 owner or the owner's duly authorized representative or the consent of any other person entitled  
677 to have the particular project completed in accordance with the plans, specifications, and  
678 contract terms;

679 (b) failure to deposit funds to the benefit of an employee as required under any written  
680 contractual obligation the licensee has to the employee;

681 (c) failure to maintain in full force and effect any health insurance benefit to an  
682 employee that was extended as a part of any written contractual obligation or representation by  
683 the licensee, unless the employee is given written notice of the licensee's intent to cancel or  
684 reduce the insurance benefit at least 45 days before the effective date of the cancellation or  
685 reduction;

686 (d) failure to reimburse the Residence Lien Recovery Fund as required by Section  
687 38-11-207;

688 (e) failure to provide, when applicable, the information required by Section 38-11-108;  
689 and

690 (f) willfully or deliberately misrepresenting or omitting a material fact in connection  
691 with an application to claim recovery from the Residence Lien Recovery Fund under Section  
692 38-11-204;

693 (5) failing as an alarm company to notify the division of the cessation of performance  
694 of its qualifying agent, or failing to replace its qualifying agent as required under Section  
695 58-55-304;

696 (6) failing as an alarm company agent to carry or display a copy of the licensee's  
697 license as required under Section 58-55-311;

698 (7) failing to comply with operating standards established by rule in accordance with  
699 Section 58-55-308;

700 (8) an unincorporated entity licensed under this chapter having an individual who owns  
701 an interest in the unincorporated entity engage in a construction trade in Utah while not  
702 lawfully present in the United States;

703 (9) an unincorporated entity failing to provide the following for an individual who  
704 engages, or will engage, in a construction trade in Utah for the unincorporated entity:

705 (a) workers' compensation coverage to the extent required by Title 34A, Chapter 2,  
706 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act; and

707 (b) unemployment compensation in accordance with Title 35A, Chapter 4,  
708 Employment Security Act, for an individual who owns, directly or indirectly, less than an 8%  
709 interest in the unincorporated entity, as defined by rule made by the division in accordance with

710 Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

711 (10) the failure of an alarm company or alarm company agent to inform a potential  
712 customer, before the customer's purchase of an alarm system or alarm service from the alarm  
713 company, of the policy of the county, city, or town within which the customer resides relating  
714 to priority levels for responding to an alarm signal transmitted by the alarm system that the  
715 alarm company provides the customer.

716 Section 5. Section **63G-12-402** is amended to read:

717 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**  
718 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

719 (1) (a) Except as provided in Subsection (3) or when exempted by federal law, an  
720 agency or political subdivision of the state shall verify the lawful presence in the United States  
721 of an individual at least 18 years of age who applies for:

722 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

723 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an  
724 agency or political subdivision of this state.

725 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction  
726 Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of  
727 Commerce shall verify in accordance with this Subsection [~~(2)~~] (1) the lawful presence in the  
728 United States of each individual who:

729 (i) owns an interest in the contractor that is an unincorporated entity; and

730 (ii) engages, or will engage, in a construction trade in Utah as an owner of the  
731 contractor described in Subsection [~~(2)~~] (1)(b)(i).

732 (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
733 national origin.

734 (3) Verification of lawful presence under this section is not required for:

735 (a) any purpose for which lawful presence in the United States is not restricted by law,  
736 ordinance, or regulation;

737 (b) assistance for health care items and services that:

738 (i) are necessary for the treatment of an emergency medical condition, as defined in 42  
739 U.S.C. Sec. 1396b(v)(3), of the individual involved; and

740 (ii) are not related to an organ transplant procedure;



- 741 (c) short-term, noncash, in-kind emergency disaster relief;
- 742 (d) public health assistance for immunizations with respect to immunizable diseases  
743 and for testing and treatment of symptoms of communicable diseases whether or not the  
744 symptoms are caused by the communicable disease;
- 745 (e) programs, services, or assistance such as soup kitchens, crisis counseling and  
746 intervention, and short-term shelter, specified by the United States Attorney General, in the  
747 sole and unreviewable discretion of the United States Attorney General after consultation with  
748 appropriate federal agencies and departments, that:
- 749 (i) deliver in-kind services at the community level, including through public or private  
750 nonprofit agencies;
- 751 (ii) do not condition the provision of assistance, the amount of assistance provided, or  
752 the cost of assistance provided on the income or resources of the individual recipient; and
- 753 (iii) are necessary for the protection of life or safety;
- 754 (f) the exemption for paying the nonresident portion of total tuition as set forth in  
755 Section 53B-8-106;
- 756 (g) an applicant for a license under Section 61-1-4, if the applicant:
- 757 (i) is registered with the Financial Industry Regulatory Authority; and
- 758 (ii) files an application with the state Division of Securities through the Central  
759 Registration Depository;
- 760 (h) a state public benefit to be given to an individual under Title 49, Utah State  
761 Retirement and Insurance Benefit Act;
- 762 (i) a home loan that will be insured, guaranteed, or purchased by:
- 763 (i) the Federal Housing Administration, the Veterans Administration, or any other  
764 federal agency; or
- 765 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;
- 766 (j) a subordinate loan or a grant that will be made to an applicant in connection with a  
767 home loan that does not require verification under Subsection (3)(i); and
- 768 (k) an applicant for a license issued by the Department of Commerce or individual  
769 described in Subsection [~~(2)~~] (1)(b), if the applicant or individual provides the Department of  
770 Commerce:
- 771 (i) certification, under penalty of perjury, that the applicant or individual is:

- 772 (A) a United States citizen;
- 773 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or
- 774 (C) lawfully present in the United States; and
- 775 ~~[(ii) the number for a driver license or identification card issued:]~~
- 776 ~~[(A) under Title 53, Chapter 3, Uniform Driver License Act; or]~~
- 777 ~~[(B) by a state other than Utah that as part of issuing the driver license or identification~~
- 778 ~~card verifies an individual's lawful presence in the United States.]~~
- 779 (ii) (A) the number assigned to a driver license or identification card issued under Title
- 780 53, Chapter 3, Uniform Driver License Act; or
- 781 (B) the number assigned to a driver license or identification card issued by a state other
- 782 than Utah if, as part of issuing the driver license or identification card, the state verifies an
- 783 individual's lawful presence in the United States.
- 784 (4) (a) An agency or political subdivision required to verify the lawful presence in the
- 785 United States of an applicant under this section shall require the applicant to certify under
- 786 penalty of perjury that:
- 787 (i) the applicant is a United States citizen; or
- 788 (ii) the applicant is:
- 789 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
- 790 (B) lawfully present in the United States.
- 791 (b) The certificate required under this Subsection (4) shall include a statement advising
- 792 the signer that providing false information subjects the signer to penalties for perjury.
- 793 (5) An agency or political subdivision shall verify a certification required under
- 794 Subsection (4)(b) through the federal SAVE program.
- 795 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or
- 796 fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject
- 797 to the criminal penalties applicable in this state for:
- 798 (i) making a written false statement under Subsection 76-8-504(2); and
- 799 (ii) fraudulently obtaining:
- 800 (A) public assistance program benefits under Sections 76-8-1205 and 76-8-1206; or
- 801 (B) unemployment compensation under Section 76-8-1301.
- 802 (b) If the certification constitutes a false claim of United States citizenship under 18

803 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United  
804 States Attorney General for the applicable district based upon the venue in which the  
805 application was made.

806 (c) If an agency or political subdivision receives verification that a person making an  
807 application for a benefit, service, or license is not a qualified alien, the agency or political  
808 subdivision shall provide the information to the Office of the Attorney General unless  
809 prohibited by federal mandate.

810 (7) An agency or political subdivision may adopt variations to the requirements of this  
811 section that:

812 (a) clearly improve the efficiency of or reduce delay in the verification process; or

813 (b) provide for adjudication of unique individual circumstances where the verification  
814 procedures in this section would impose an unusual hardship on a legal resident of Utah.

815 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,  
816 local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.

817 (9) A state agency or department that administers a program of state or local public  
818 benefits shall:

819 (a) provide an annual report to the governor, the president of the Senate, and the  
820 speaker of the House regarding its compliance with this section; and

821 (b) (i) monitor the federal SAVE program for application verification errors and  
822 significant delays;

823 (ii) provide an annual report on the errors and delays to ensure that the application of  
824 the federal SAVE program is not erroneously denying a state or local benefit to a legal resident  
825 of the state; and

826 (iii) report delays and errors in the federal SAVE program to the United States  
827 Department of Homeland Security.

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**Legislative Review Note**  
as of 11-29-11 9:29 AM

**Office of Legislative Research and General Counsel**